

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Kyle Lamont Johnson

Case: 2:21-mj-30328

Judge: Unassigned,

Filed: 07-02-2021 At 10:33 AM

CMP USA V JOHNSON (kcm)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 28, 2021 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 1028A(a)(1)	Aggravated identity theft
18 U.S.C. 922(a)(6)	False statements during the purchase of a firearm

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: July 2, 2021

City and state: Detroit, Michigan

Danielle Stefanovski

Complainant's signature

Special Agent Danielle Stefanovski, A.T.F.

Printed name and title

GP

Judge's signature

Hon. Curtis Ivy, Jr., U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Special Agent Danielle Stefanovski, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I have been employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) since March of 2018. I am an “investigative or law enforcement officer of the United States” within the meaning of 18 U.S.C § 2510(7), and I am empowered by law to conduct investigations and make arrests for criminal offenses enumerated under federal law.

2. Prior to becoming a Special Agent with ATF, I was a Special Agent with the United States Secret Service. I have had extensive law enforcement training, including the Criminal Investigator Training Program at the Federal Law Enforcement Training Center, USSS Special Agent Training Program in Beltsville, Maryland, and ATF Special Agent Basic Training in Glynco, Georgia. I also have a Bachelor of Business Administration from the University of Michigan.

3. During my employment with ATF, I have participated in numerous criminal investigations focused on firearms, firearms traffickers, armed drug traffickers and criminal street gangs. During said employment, I have utilized a variety of investigative techniques and resources, including physical and electronic surveillance, undercover and various types of informants and cooperating sources.

4. The facts set forth herein include my personal knowledge and/or information from other law enforcement officers. I have not included each and every fact known to law enforcement concerning this investigation; rather, I have set forth only the facts necessary to establish probable cause Kyle Lamont JOHNSON violated federal laws as outlined below.

PROBABLE CAUSE

5. On June 28, 2021, I received information from Action Impact Firearms, a federal firearms licensee (FFL) located in the Eastern District of Michigan, regarding an individual attempting to transfer multiple firearms that were originally purchased from an online store, that is located outside of the state of Michigan. While attempting to complete the transfer process with Action Impact, the individual provided a suspected fraudulent state of Michigan identification card that listed a name with initials M.D.B. Action Impact made a copy of the suspected fraudulent identification and provided it to me.

6. I queried the Law Enforcement Information Network (LEIN) for the name and date of birth on this identification card, which revealed a Michigan driver's license registered to a person with the name on the suspected fraudulent identification, but the image of the person with that name did not match the individual on the identification provided to Action Impact. It was later determined that the firearms, included an FN, model PS90 rifle bearing serial number

FN134006, and an IWI, model Tavor X95 rifle bearing serial number T2007783, were purchased using a credit card registered to a billing address in Ohio.

Additionally, I noted the phone number provided by the online purchaser of the firearms was listed on the bill of sale as “no longer in service.”

7. Later on June 28, 2021, I received a call from the FFL DeRonne Hardware, located in the Eastern District of Michigan, regarding an individual attempting to complete a transfer of multiple firearms that were originally purchased from an online store located outside of the state of Michigan. The individual provided a suspected fraudulent Michigan identification card listing a name with initials D.M.M.

8. I queried LEIN for the name and date of birth on this identification card, which revealed a Michigan driver's license registered to a person with the name on the suspected fraudulent identification, but the image of the person with that name did not match the individual on the ID provided to DeRonne Hardware. It was later determined that the firearms involved in the transfer, including a Glock, model 23 bearing serial number BSRG073, and a Glock, model 29 bearing serial number BTDT474, were purchased using a credit card registered to a billing address in Virginia. Also, the phone number provided by the individual attempting to obtain the firearms was listed as “no longer in service.” Based on my training and experience investigating the fraudulent purchase of firearms, I am aware out

of state credit cards used to purchase firearms in a different state are frequently fraudulently obtained.

9. I know that the Gun Control Act of 1968 prevents out of state firearm sellers from shipping firearms directly to a private party/non-FFL. Instead, any buyer who wants to purchase a gun in an interstate transaction from a source other than a private individual must do so through a federally licensed firearms dealer. After being purchased, the firearm is shipped from the out-of-state FFL to the in-state FFL. The in-state FFL will then transfer the firearm to the individual purchaser. In order to complete this transaction, an ATF Form 4473 must be completed prior to the completion of the transfer. The ATF Form 4473 form contains the following warning to the buyer:

Warning: You are not the actual transferee/ buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you.

On the form, the purchaser stated that he/she was the “actual buyer” of the firearm by checking the box, “Yes,” to the above question. Furthermore, the ATF Form 4473 contained the following statement:

I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of Federal law ...

Below that statement, the purchaser signed his name as M.B. and D.M., respectively. As an ATF Special Agent, I am aware that had the purchaser answered either that he was not the “actual buyer” or refused to state that his answers were true or correct, then the FFL would not have sold or delivered the firearms to the purchaser.

10. I reviewed the paperwork associated with these transactions from both FFLs and determined that the purchaser signatures on the ATF 4473 forms did not appear to match the signatures on the respective state-issued identification cards.

11. Subsequently, a law enforcement database was queried utilizing the image from the M.B. fraudulent ID card, and an investigative lead was developed suggesting that the individual in the image is Kyle Lamont JOHNSON. I then queried LEIN and compared an official state of Michigan driver’s license image of JOHNSON to the images on the fraudulent ID cards used to attempt to obtain the firearms (see Images 1 and 2 below).

IMAGE 1

“M.B.”



IMAGE 2

Kyle JOHNSON



12. On June 30, 2021, ATF Task Force Officer (TFO) Goldstein conducted a law enforcement query for JOHNSON’s criminal history and any open warrants. JOHNSON has two prior arrests, including a pending Felony carrying concealed weapons (CCW) charge in the Michigan 36th District court. JOHNSON did not have any registered firearms registered in the state of Michigan. Due to his current age, 20, JOHNSON is prohibited from purchasing pistols from FFLs.

13. On July 1, 2021, ATF agents and TFOs arrested Kyle JOHNSON at Action Impact FFL in Southfield, MI. JOHNSON provided the fraudulent state of Michigan identification card that listed the name with initials M.D.B. to Action Impact FFL employees in an attempt to complete the firearm transfer and obtain the previously mentioned firearms. When later interviewed by ATF, JOHNSON admitted that he knew his photograph was used on the state of Michigan

identification card, bearing the name of a different individual, to obtain the firearms. JOHNSON also admitted to ATF to having multiple fraudulent identification cards.

CONCLUSION

14. Based on the above information, I have probable cause to believe that Kyle JOHNSON, who is prohibited from purchasing a pistol from an FFL due to his age, used the fraudulent identification of “M.B” in an attempt to obtain an FN, model PS90 rifle bearing serial number FN134006, and an IWI, model Tavor X95 rifle bearing serial number T2007783 from Action Impact, and “D.M.” in an attempt to obtain a Glock, model 23 bearing serial number BSRG073, and a Glock, model 29 bearing serial number BTDT474 from DeRonne Hardware. In doing so, JOHNSON made false statements and furnished false, fictitious, and misrepresented identifications during the purchase of multiple firearms, in violation of 18 U.S.C. § 922(a)(6), and committed aggravated identity theft, in

violation of 18 U.S.C. § 1028A(a)(1). These violations occurred within the Eastern District of Michigan.

Danielle Stefanovski

Danielle Stefanovski, Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to before me and signed in my presence
and/or by reliable electronic means



HON. CURTIS IVY, JR.
United States Magistrate Judge